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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/517,648	03/03/2000	Kevin J. Zhang	OCL0001US	5710
22849	7590	04/13/2004	EXAMINER	
SCOTT W HEWETT 400 WEST THIRD STREET #223 SANTA ROSA, CA 95401			PASCAL, LESLIE C	
			ART UNIT	PAPER NUMBER
			2633	
DATE MAILED: 04/13/2004				

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/517,648

Applicant(s)

ZHANG ET AL.

Examiner

Leslie Pascal

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 10-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 13-16 is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizrahi (US006348984).

Mizrahi teaches an amplifier array for amplifying optical signals carried on an optical transmission network, comprising a plurality of amplifier paths arranged in cascade (figure 5 with the details of figures 6 and 7, column 8, lines 35-38), each path including an input filter (48), and an amplifier (column 8, lines 35-38), and an output filter (49). In regard to claim 8, see column 8, lines 37-38. Although Mizrahi does not specifically teach that a second plurality of amplifier paths do not have the signal processing module, in that some of the paths would not have the add/drop multiplexers, it would have been obvious that some would not have the "signal processing module". If there is an amplifier and an add/drop module followed by an amplifier, this would obviously read on the applicants claimed amplifier with center tap (since this is the disclosure of what an amplifier with signal tap is according to the applicant). In regard to the applicant's arguments that Mizrahi has a path that does not have an input filter and an output filter, applicant's claims do not claim that every path is an amplifier path. The claims merely claim that there are a plurality of amplifier paths. Clearly, Mizrahi does have a plurality of amplifier paths as claimed.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizrahi as applied to claim 8 above, and further in view of either Jones et al (US006229935) or Islam (US006359725).

Although Mizrahi does not teach specifics about his add/drop module, Jones (column 2, lines 1-6) and Islam (figure 3) teach that it is well known for an add/drop device to include dispersion compensating means. It would have been obvious to use a dispersion compensating means in the add/drop module of Mizrahi in order to compensate for dispersion in the system.

4. Applicant's arguments filed 3-1-04 have been fully considered but they are not persuasive. In regard to the applicant's arguments that Mizrahi has a path that does not have an input filter and an output filter, applicant's claims do not claim that every path is an amplifier path. The claims merely claim that there are a plurality of amplifier paths. Clearly, Mizrahi does have a plurality of amplifier paths as claimed.

5. Claims 1-7 and 13-16 are allowed. Claims 2-3 have been rejoined since claim 1 is generic to claims 2-3 and 4-7. Claim 1 is not generic to claims 10-12.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Pascal whose telephone number is 703-305-4922. The examiner can normally be reached on Monday, Friday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.


Leslie Pascal
Primary Examiner
Art Unit 2633

LP